

HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 17503 of 2002

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Dated: 04.08.2005

Between:

M.Channabasaiah, S/o Late M.Basaiah,
R/o H.No.4/49, New Putal Colony, Kurnool District.

..... PETITIONER

AND

- 1 The Inspector of Police,
II Town Police Station, Kurnool District, and another.

.....RESPONDENTS

ORDER:

The petitioner is a retired Government servant. He is a resident of Kurnool. It appears his second daughter-in-law, Lalitha, deserted her husband due to some misunderstandings and she lodged a complaint which was registered as Crime No.131 of 2001. After investigating the crime, Police filed charge sheet against Sudhakar Swamy, the second son of the petitioner, and four others. But, the petitioner and his wife are not accused in the same. It is alleged that the Inspector of Police, II Town Police Station, Kurnool, is frequently summoning the petitioner and his wife and demanding that they should pay a sum of Rs.1,60,000/- to Lalitha, the second daughter-in-law of the petitioner. Aggrieved by which, the petitioner seeks a writ of Mandamus directing the respondents not to interfere and not to pressurize the petitioner for payment of amount to his daughter-in-law.

The learned Assistant Government Pleader for Home does not dispute the fact that the dispute, if any, between the petitioner and his second daughter-in-law is purely a matrimonial and civil dispute and the Police have nothing to do with the same, especially when the complaint given by Lalitha was already registered and a charge sheet is filed in the criminal court.

The learned counsel for the petitioner placed reliance on two judgments delivered by this Court in **S.Masthan Saheb v P.S.R. Anjaneyulu** and **J.Lakshmi @ Lakshamma v Commissioner of Police, Vijayawada**.

In **J.Lakshmi @ Lakshamma v Commissioner of Police, Vijayawada** (supra), after referring to the judgment in **S.Masthan Saheb v P.S.R. Anjaneyulu** (supra) as well as the code of conduct for police, this Court laid down as under.

The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Art.226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.

In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil Court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C.

Without registering the crime and without any reason the police cannot interfere.

The Learned Assistant Government Pleader does not dispute the legal position. Therefore, this writ petition is disposed of directing the respondents not to interfere in the civil disputes, if any, between the petitioner and other third parties.

The writ petition is accordingly disposed of. There shall be no order as to costs.

(V.V.S.RAO,J)

04.08.2005

vs

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